

**Notice of Allowability**

Application No.

09/894,236

Examiner

Patricia M. Bianco

Applicant(s)

BURBANK ET AL.

Art Unit

3762

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment & response filed 3/15/05.
2. ☒ The allowed claim(s) is/are 1,4-15,19 and 20.
3. ☒ The drawings filed on 27 June 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

### **REASONS FOR ALLOWANCE**

Claims 1, 4-15, 19, & 20 are allowed over the prior art.

The following is an examiner's statement of reasons for allowance:

The subject matter of the independent claims could either not be found or was not suggested in the prior art of record.

With respect to claim 1, the subject matter not found was the method for extracorporeal blood treatment comprising the steps of engaging a single member carrying a waste, replacement fluid, and blood withdrawal lines to a treatment machine; the member and treatment machine being configured such that by said step of engaging a single member, at least one pump is enabled to pump fluid through said waste, withdrawal and return lines, in combination with the other elements (or steps) in the claims. Claims 4-12, 14 & 15 are allowable since they are dependent from allowable claim 1.

With respect to claim 13, the subject matter not found was the method for hemofiltration comprising the steps of measuring the actual blood flow rate delivered by the pump using a flow sensor; comparing the actual blood flow rate with a blood flow rate indicated by a pump speed; and activating an alarm responsively to a difference between the actual blood flow rate indicated by the flow sensor and the blood flow rate indicated by a pump speed such that said alarm is activated when said difference

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exceeds a predetermined value, in combination with the other elements (or steps) in the claims. Claim 19 is allowable since they are dependent from allowable claim 1.

With respect to claim 20, the subject matter not found was the method for extracorporeal blood treatment comprising the steps of connecting a patient's vascular system to a blood withdrawal and return lines; fastening a member carrying a waste, replacement fluid, and blood withdrawal lines to a treatment machine; the member and treatment machine being configured such that by said step of connecting, the waste, withdrawal, and return lines are engaged by, and actuated by the pump, in combination with the other elements (or steps) in the claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia M. Bianco whose telephone number is (571) 272-4940. The examiner can normally be reached on Monday to Friday 9:00-6:30, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 9<sup>th</sup>, 2005

  
**PATRICIA BIANCO**  
**PRIMARY EXAMINER**  
6/9/05

Patricia M Bianco  
Primary Examiner  
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